

REMARKS/ARGUMENTS

The §103(a) rejection presented in the Office Action dated April 6, 2007 (hereinafter Office Action) has been considered, and reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

In an effort to facilitate prosecution and without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter, Applicant has amended independent Claims 1, 10, 19 and 28 to indicate that the saved unanswered call data and messages are received via separate radio connections. Support for these changes may be found in the instant Specification, for example, in paragraphs [0020] and [0021] as well as in Fig. 5 and the discussion thereof in paragraph [0028]; therefore, the changes do not introduce new matter. Each of the pending claims is believed to be patentable over the asserted references for the reasons set forth below.

Applicant maintains that the asserted combination of references, U.S. Publication No. 2003/0100295 by Sakai *et al.* (hereinafter "Sakai") in view of U.S. Patent No. 6,529,737 to Skinner *et al.* (hereinafter "Skinner"), does not correspond to the claimed invention. As acknowledged at page six of the Office Action, Sakai does not teach a control unit configured to save messages related to unanswered calls and constitute contact attempts including the saved messages and unanswered call data, as claimed. The Examiner's reliance on Skinner fails to overcome these deficiencies in Sakai. For example, Skinner does not teach that unanswered call data and messages are received via separate radio connections, as now claimed. In contrast, Skinner teaches that in one connection by an originator, two types of contact are attempted – the phone call and the message (column 10, lines 49-60 and the title ". . . within the same telephone call"). Thus, the phone call and message are part of a single contact attempt in a single radio connection.

Moreover, neither of the asserted references teaches constituting contact attempts from both unanswered call data and messages relating to unanswered call data. Sakai does not disclose any use of messages related to unanswered call data, and Skinner does not disclose a control unit constituting contact attempts from unanswered call data and

messages related thereto. While the Office Action asserts that a mobile phone control unit would automatically fetch a name for a caller or the number of the originating phone of an unanswered call, there is no indication that Skinner teaches performing such actions. In contrast, Skinner appears to teach away from such an assertion since Skinner teaches that a call originator is provided multiple opportunities to identify themselves in a single call to a terminating device (column 5, lines 41-56). Thus, no portions of Skinner have been identified as teaching saving unanswered call data as asserted in the Office Action. As neither Sakai nor Skinner has been shown to correspond to at least the claimed control unit any combination of these teachings must also fail to correspond to the claimed invention. Therefore, the §103(a) rejection is improper, and Applicant requests that it be withdrawn.

Dependent Claims 2-9, 11-18, 20-27 and 29-37 depend from independent Claims 1, 10, 19 and 28, respectively, and each of these claims also stand rejected under 35 U.S.C. §103(a) as being unpatentable over the above-discussed combination of Sakai and Skinner. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with independent Claims 1, 10, 19 and 28. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP §2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-9, 11-18, 20-27 and 29-37 are also patentable over the combination of Sakai and Skinner.

It is to be understood that Applicant does not acquiesce to the Office Action's characterization of the asserted art or Applicant's claimed subject matter, nor of the Office Action's application of the asserted art or combinations thereof to Applicant's claimed subject matter. Moreover, Applicant does not acquiesce to the Office Action's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially

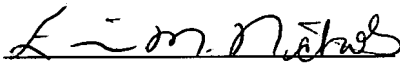
noticed facts, and the like. Applicant reserves the right to address in detail the Office Action's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (NKO.011.US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date: September 4, 2007

By: 

Erin M. Nichols
Reg. No. 57,125